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| SEP 29 2011 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY:  | DEPUTY |

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOHN W. BIRMELE, JR.,)
)
Defendant.)

2:11-CR-015-LDG (PAL)

FINAL ORDER OF FORFEITURE

On June 21, 2011, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 21, United States Code, Sections 841(a)(1), (b)(1)(C) and (b)(1)(D); 846, and 853(a)(1), based upon the plea of guilty by defendant JOHN W. BIRMELE, JR. to criminal offenses, forfeiting specific property alleged in the Indictment and agreed to in the Plea Memorandum and shown by the United States to have the requisite nexus to the offense to which defendant JOHN W. BIRMELE, JR. pled guilty. Docket #42, #108, #109, #114.

On September 29, 2011 the United States District Court for the District of Nevada signed an Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 21, United States Code, Sections 853(a)(1) and 853(a)(2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); Title 18 United States Code, Section 924(2)(C) and (3)(B) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 881(11) and Title 28, United States Code, Section 2461(c), based upon the plea of

1 guilty by defendant JOHN W. BIRMELE, JR. to criminal offenses, forfeiting specific property
2 alleged in the Indictment and agreed to in the Plea Memorandum and shown by the United States
3 to have the requisite nexus to the offense to which defendant JOHN W. BIRMELE, JR. pled guilty.
4 Docket #42, #108, #114.

5 This Court finds the United States of America published the notice of the forfeiture in
6 accordance with the law via the official government internet forfeiture site, www.forfeiture.gov,
7 consecutively from June 25, 2011, through to July 24, 2011, notifying all third parties of their right
8 to petition the Court. #132.

9 This Court finds no petition was filed herein by or on behalf of any person or entity and the
10 time for filing such petitions and claims has expired.

11 This Court finds no petitions are pending with regard to the assets named herein and the time
12 for presenting such petitions has expired.

13 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
14 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
15 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
16 32.2(c)(2); Title 21, United States Code, Sections 853(a)(1) and 853(a)(2); Title 18, United States
17 Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); Title 18 United States
18 Code, Section 924(2)(C) and (3)(B) and Title 28, United States Code, Section 2461(c); and Title 21,
19 United States Code, Section 881(11) and Title 28, United States Code, Section 2461(c); and Title
20 21, United States Code, Section 853(n)(7) and shall be disposed of according to law:

- 21 a. \$2,015.00 in U.S. Currency;
- 22 b. \$1,807.00 in U.S. Currency;
- 23 c. \$48,920.00 in U.S. Currency;
- 24 d. a Ruger .38 cal. revolver, bearing serial number 540-48039;

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1 e. a Taurus PT709, 9mm semi-automatic handgun, bearing serial number TD082373;


2 and

3 f. any and all ammunition ("property").

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited
5 funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well
6 as any income derived as a result of the United States of America's management of any property
7 forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of
8 according to law.

9 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
10 certified copies to the United States Attorney's Office.

11 DATED this 29 day of September, 2011.

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14 UNITED STATES DISTRICT JUDGE
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